

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF PENNSYLVANIA

SANTOS CASTRO-MOTA,

Plaintiff

v.

DALE MIESEL, *et al.*

Defendants.

CIVIL ACTION NO. 3:24-CV-00676

(MEHALCHICK, J.)

ORDER

AND NOW, on this 10th day of June, 2024, for the reasons set forth in the accompanying Memorandum, it is ORDERED that:

1. Plaintiff's motion to proceed *in forma pauperis* ([Doc. 15](#)) is GRANTED.
2. Plaintiff shall PAY the full filing fee of \$350.00. The full filing fee shall be paid regardless of the outcome of the litigation.
3. Pursuant to [28 U.S.C. § 1915\(b\)\(1\)](#) and [28 U.S.C. § 1915\(b\)\(2\)](#), the Superintendent/Warden, or other appropriate official at Plaintiff's place of confinement is directed to deduct an initial partial filing fee of 20% of the greater of:
 - a) The average monthly deposits in the inmate's prison account for the past six months, or
 - b) The average monthly balance in the inmate's prison account for the past six months.

The initial partial filing fee shall be forwarded to the Clerk of the United States District Court for the Middle District of Pennsylvania, P.O. Box 1148, Scranton, Pennsylvania, 18501-1148, to be credited to the above-captioned docket number. In each succeeding month, when the amount in Plaintiff's inmate trust fund account exceeds \$10.00, the Superintendent/Warden, or other appropriate official, shall forward payments to the Clerk of Court equaling 20% of the preceding month's income credited to Plaintiff's inmate trust fund account until the fees are paid. Each payment shall reference the above-captioned docket number.

4. The Clerk of Court is directed to SEND a copy of this order to the Superintendent/Warden of the institution wherein Plaintiff is presently confined.
5. The complaint ([Doc. 1](#)) is deemed FILED.
6. The complaint ([Doc. 1](#)) is DISMISSED for failing to state a claim upon which relief may be granted.
7. Plaintiff shall FILE an amended complaint on or before August 7, 2024.
8. The amended complaint shall contain the same case number that is already assigned to this action, 3:24-CV-00676, and shall be direct, concise, and shall stand alone without reference to any other document filed in this matter. See [FED. R. CIV. P. 8\(e\)](#).
9. Failure to timely file an amended complaint will result in dismissal of this action without further notice of Court.

s/ Karoline Mehalchick

KAROLINE MEHALCHICK
United States District Judge